

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KELVIN OWENS,)	CASE NO. 1:14-cv-421
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
MICHELLE MILLER,)	
)	
RESPONDENT.)	

Before the Court is the report and recommendation of the Magistrate Judge with respect to the above-entitled petition for writ of habeas corpus. The Magistrate Judge recommends dismissal of ground one (failure to give jury instruction on self-defense) and ground three (conviction against manifest weight of evidence) because both are non-cognizable state law claims. The Magistrate Judge further recommends denial of the petition with respect to ground two (ineffective assistance of trial counsel) because the state courts did not unreasonably apply clearly established federal law. 28 U.S.C. § 2254(d)(1).

Under 28 U.S.C. § 636(b)(1)(C):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [. . .]

The R&R was filed on February 1, 2016 (Doc. No. 11), and was sent to petitioner that same day by regular mail. As of the date of this order, no objections have been filed, no extension has been requested, and no mail has been returned as undeliverable.

The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. Accordingly, the Court dismisses grounds one and three of the petition, and denies the petition as to ground two. Further, the Court certifies that an appeal from this decision could not be taken in good faith and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: March 11, 2016



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE